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10/036,155	12/26/2001	Mark Lelental	83302D-W	3978

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EXAMINER

SCHILLING, RICHARD L

ART UNIT

PAPER NUMBER

1752

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036155

Applicant(s)

Lelental

Examiner

R L Schilling

Group Art Unit

1752

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Prior Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 2-12-02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-48 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-48 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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1. Claims 6, 8-10 and 13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is no Formula I in claim 6; and claim 8 has Formula I with undefined terms. The heterocyclic enhancers listed in claims 9 and 10 are not within the scope of parent claim 8.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15, 19-27, 29-32, 34-37, 39, 40, 42, 43 and 45-48 are rejected under 35 U.S.C. 102(b) as anticipated by or,

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in the alternative, under 35 U.S.C. 103(a) as obvious over Muys et al. '472. Muys et al. (see particularly column 3, lines 36-60; column 7, lines 29-54; column 8, lines 1-15; Examples 1-6 and 18) disclose imaging elements with antistatic layers comprising polythiophene and stretch improving agents of glycerol or sorbitol. The antistatic layers also comprise latex polymer binders with hydrophilic properties. In working Examples 6 and 18 sorbitol and/or N-methyl pyrrolidone are included in the antistatic layers. It would at least be obvious to one skilled in the art to use the antistatic layers as in working Examples 1-6 and/or 18 to reduce resistance in the disclosed imaging elements of Muys et al. '472.

3. Claims 38-41, 44, 47 and 48 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Majumdar et al. '655 and Muys et al. '472. Majumdar et al. '655 (see particularly column 5, lines 1-38; column 7, lines 57-59) discloses the use of antistatic layers containing polythiophene in various imaging elements including electrophotographic and dye receiving and silver halide elements to reduce static electricity. Therefore, it would be obvious to one skilled in the art to use the antistatic polythiophene containing layers of Muys et al. '472, which also contain hydrophilic binders and conductivity enhancers as set forth in instant claim 8, in various elements, including dye receivers and electrophotographic

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elements, as disclosed in Majumdar et al. '655 in order to reduce static electricity.

4. Claims 1-28, 30-32, 38, 41-43 and 45-48 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Jonas et al. '515 and Krafft et al. '981. Jonas et al. '515 (see particularly column 1, line 18 - column 2, line 47; column 3, lines 1-30) disclose conductive coatings comprising polythiophene and compounds as set forth in instant claim 8 to increase conductivity and/or transparency which are applied to imaging products such as silver halide photography, dry-plate systems and electrophotography. Jonas et al. also disclose that binders as described in European Patent 564,911 (equivalent to U.S. Patent 5,370,981 to Krafft et al.) may be added to their conductive coating compositions. Krafft et al. (see particularly column 1, lines 3-40; column 2, lines 55-60; column 3, lines 45-55) disclose antistatic layers for imaging elements comprising polythiophene which include water soluble binders, including polyvinyl alcohol, for better adherence and scratch proofing. Since Jonas et al. discloses using the binders of Krafft et al. in their antistatic layers, and Krafft et al. disclose the use of water soluble binders in polythiophene conductive layers as used in Jonas et al., it would be obvious to one skilled in the art to use the water soluble binders as disclosed in Krafft et al. in the conductive coatings of Jonas et al. for better adherence and

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scratch proofing. Also, since Jonas et al. (column 1, lines 18-48) disclose that mixing organic compounds as set forth in instant claim 8 into polythiophene conductive layers improves conductivity and/or transparency, it would be obvious to one skilled in the art to add the organic compounds of Jonas et al. to the polythiophene conductive layers of Krafft et al. in order to increase conductivity and/or transparency.

5. Claims 1-48 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Jonas et al. '515 and Krafft et al. '981 as applied in paragraph 4 above further in view of Majumdar et al. '655. The combination of Jonas et al. '515 and Krafft et al. '981 makes the use of conductive antistatic layers comprising polythiophene, water soluble binders and conductivity enhancers as set forth in instant claim 8 as antistatic layers in various imaging elements obvious to one skilled in the art for the reasons set forth in paragraph 4 above. Majumdar et al. '655 (see particularly column 5, lines 1-38; column 7, lines 54-59) discloses that polythiophene containing antistatic layers may be used in various imaging elements including silver halide elements, dye receiving elements and electrophotographic elements, in order to reduce static electricity. Therefore, it would be obvious to one skilled in the art to use the polythiophene containing antistatic layers with water soluble binders and conductivity enhancers as set

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forth in paragraph 4 above in various imaging elements as set forth in Majumdar et al. in order to reduce static electricity. In regard to instant claim 18, it would be obvious to one skilled in the art to use gelatin, which is a well known water soluble binder, as the generically called for water soluble binder in Krafft et al. Also, the applied prior art discloses gelatin as a water soluble binder in imaging elements in the silver halide emulsion layers. It would also be obvious to one skilled in the art to use the particular gelatin binders for conductive layers containing polythiophene or gelatin derivatives disclosed in Majumdar et al. as the generically called for water soluble binders for the polythiophene conductive layers in Krafft et al. and Jonas et al.

6. The prior art submitted by applicants has been considered.

7. Any inquiry concerning this communication should be directed to Mr. Schilling at telephone number (703) 308-4403.

RLSchilling:cdc

October 1, 2002

RICHARD L. SCHILLING
PRIMARY EXAMINER
GROUP 1100-1752

